

Prosecution Bulletin no. 5/2016

Summary

- A Brisbane company was fined \$20,000 by the Wynnum Magistrates Court after pleading guilty to contravening a condition of an environmental authority, contrary to section 430(3) of the *Environmental Protection Act 1994*.
- The sentence was delivered by Magistrate Schubert in the Wynnum Magistrates Court on 26 November 2015.

Facts

On 19 and 20 May 2014, between 11pm and 3am there was a release of catalytic dust from the defendant's petroleum refinery, specifically from the Fluid Catalytic Cracking Unit.

Approximately 80 to 90 tonnes of dust were released to the atmosphere during this period. The dust settled on 25,000 vehicles in commercial storage within the vicinity of the defendant's refinery. The defendant spent \$756,888 removing the dust.

The release was contrary to a condition of the defendant's environmental authority, which required that an effective start-up procedure be used for the refinery's Fluid Catalytic Cracking Unit. The failure to use an effective start-up procedure resulted in the release of the dust.

Outcome

On 26 November 2015 in the Wynnum Magistrates Court, the defendant company pleaded guilty to one offence of contravening a condition of an environmental authority, contrary to section 430(3) of the *Environmental Protection Act 1994*.

The defendant was fined \$20,000 and ordered to pay \$7,652 investigation costs and \$1,000 legal costs.

In sentencing, the Court considered:

- the timely plea of guilty;
- the defendant company's cooperation with the Department;
- no lasting damage was caused by the dust;
- the defendant company has done positive work for the community;
- the defendant had no previous convictions; and
- that the defendant spent over \$750,000 removing the dust from affected areas.

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